

CHAPTER 406

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 21-1014

BY REPRESENTATIVE(S) Michaelson Jenet and Baisley, Amabile, Benavidez, Bennett, Bird, Bockenfeld, Boesenecker, Cutter, Duran, Esgar, Exum, Gray, Hooton, Jackson, Jodeh, Kipp, McCluskie, McCormick, Ricks, Sandridge, Sirota, Tipper, Titone, Valdez A., Young, Bacon, Geitner, Pico, Snyder, Valdez D., Woodrow;
also SENATOR(S) Danielson, Buckner, Ginal, Gonzales, Pettersen, Story, Winter, Zenzinger.

AN ACT

CONCERNING THE ABILITY OF A PERSON TO VOLUNTARILY DISCLOSE DISABILITY INFORMATION TO THE DEPARTMENT OF REVENUE, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) People living with visible and invisible disabilities, including cognitive disabilities, neurological diversities, mental health disorders, sensory needs, chronic illness, chronic pain, and physical disabilities, are equal and valuable citizens of the state of Colorado;

(b) According to a study published in 2016 by the Ruderman Family Foundation, up to half of all people killed by police in the United States have a disability, and almost all well-known cases of police brutality involve a person with a disability;

(c) Colorado's law enforcement officers perform honorably, courageously, and selflessly, and their safety remains of paramount importance;

(d) Law enforcement officers routinely encounter people living with disabilities such as neurodiversity or a mental health disorder while performing their duties;

(e) In Colorado, there are multiple instances every year of people living with disabilities such as neurodiversity or a mental health disorder having force applied against them by police officers. At times it is found that the use of force is excessive, unjustified, or could have been avoided.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(f) Law enforcement officers may not have adequate training or experience identifying or interacting with people living with disabilities such as neurodiversity or a mental health disorder;

(g) Increasing an officer's knowledge of, and comfort with, interactions with people with disabilities such as neurodiversity or a mental health disorder will better serve Colorado's marginalized populations, as well as protect law enforcement officers while performing their duties;

(h) One way to avoid unnecessary escalation resulting from the failure of law enforcement officers to identify a person with a disability is by marking the person's driver's license or state identification card with a simple, widely recognized symbol, such as that adopted by the Invisible Disabilities Association, Inc., for this purpose, and by having disability information about a driver or regular passenger attached to a vehicle registration made available when law enforcement queries the vehicle's registration information, which symbol will indicate that the person has a disability that may result in behaviors or communications that may be misinterpreted in a stressful situation; and

(i) By directing the department of revenue to issue drivers' licenses and identification cards marked with such a symbol, the general assembly hopes to eliminate or reduce the number of use-of-force incidents between law enforcement officers and people with disabilities, including neurodiversity or a mental health disorder.

SECTION 2. In Colorado Revised Statutes, 42-2-114, **amend** (1)(b)(I); and **add** (12) as follows:

42-2-114. License issued - disability identifier symbol - fees - rules.
~~(1) (b) (I) In the event~~ If the department issues a driver's license that contains stored information, ~~such license may include~~ THE DEPARTMENT SHALL INCLUDE IN THE STORED INFORMATION only the information that is specifically referenced in ~~paragraph (a) of this subsection (1) and~~ SUBSECTION (1)(a) OF THIS SECTION, that appears in printed form on the face of the license issued by the department to the licensee, ~~and~~ OR THAT IS any race or ethnicity information identified on the application pursuant to UNDER section 42-2-107 (2)(a)(II); except that ~~such stored information~~ THE DEPARTMENT shall not include IN THE STORED INFORMATION:

(A) The licensee's social security number; OR

(B) THE FACT THAT THE LICENSEE HAS REQUESTED THAT A DISABILITY IDENTIFIER SYMBOL BE PLACED ON THE LICENSEE'S DRIVER'S LICENSE IN ACCORDANCE WITH SUBSECTION (12) OF THIS SECTION.

(12) (a) (I) AT AN APPLICANT'S REQUEST, AND UPON COMPLETION OF THE APPLICATION PURSUANT TO SUBSECTION (12)(a)(II)(A) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THE APPLICANT A DRIVER'S LICENSE BEARING A DISABILITY IDENTIFIER SYMBOL IF THE APPLICANT HAS A DISABILITY AS DEFINED IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND THE DISABILITY INTERFERES WITH THE PERSON'S ABILITY TO

EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER.

(II) (A) THE DEPARTMENT SHALL PROMULGATE A RULE CREATING AN APPLICATION AND RENEWAL FORM THAT IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, TO AFFIRM THAT AN APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR A DISABILITY IDENTIFIER SYMBOL AND SETTING OUT THE PENALTIES FOR AUTHORIZING A DISABILITY IDENTIFIER SYMBOL BEFORE VERIFYING THAT THE APPLICANT HAS A DISABILITY THAT INTERFERES WITH THE APPLICANT'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER.

(B) AS USED IN THIS SUBSECTION (12)(a)(II), "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER ARTICLE 240 OF TITLE 12 OR PRACTICING MEDICINE UNDER SECTION 12-240-107 (3)(i), A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-240-113, A MENTAL HEALTH PROFESSIONAL LICENSED OR CERTIFIED PURSUANT TO ARTICLE 245 OF TITLE 12, AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION 12-255-111, A PERSON WITH A MASTER'S DEGREE IN REHABILITATION COUNSELING, OR A PHYSICIAN, PHYSICIAN ASSISTANT, MENTAL HEALTH PROFESSIONAL, OR ADVANCED PRACTICE REGISTERED NURSE AUTHORIZED TO PRACTICE PROFESSIONALLY BY ANOTHER STATE THAT SHARES A COMMON BORDER WITH COLORADO.

(b) THE DISABILITY IDENTIFIER SYMBOL PLACED ON A DRIVER'S LICENSE IN ACCORDANCE WITH THIS SUBSECTION (12) MUST BE DISCREET AND MUST REPRESENT ALL TYPES OF DISABILITIES, INCLUDING COGNITIVE DISABILITIES, NEUROLOGICAL DIVERSITIES, MENTAL HEALTH DISORDERS, SENSORY NEEDS, CHRONIC ILLNESS, CHRONIC PAIN, AND PHYSICAL DISABILITIES. THE DEPARTMENT SHALL DEVELOP THE SYMBOL BY RULE.

(c) THE DEPARTMENT SHALL NOT CHARGE A FEE FOR PLACING A DISABILITY IDENTIFIER SYMBOL ON A DRIVER'S LICENSE.

(d) THE DEPARTMENT SHALL NOTIFY PEACE OFFICERS IN COLORADO ABOUT THE VOLUNTARY DISABILITY IDENTIFIER SYMBOL CREATED IN THIS SUBSECTION (12), NOTING THAT THE SYMBOL IS NOT THE EXCLUSIVE OR ONLY DETERMINATION OF DISABILITY, AND DIRECTING PEACE OFFICERS TO RELEVANT P.O.S.T. CURRICULUM RESOURCES, INCLUDING TRAINING IN RECOGNIZING PERSONS WITH DISABILITIES, APPROPRIATE INTERACTIONS WITH PERSONS WITH DISABILITIES, RESOURCES AVAILABLE TO PERSONS WITH DISABILITIES AND TO THOSE INTERACTING WITH PERSONS WITH DISABILITIES, AND THE REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

(e) A PERSON MAY CHOOSE TO NO LONGER HAVE THE DISABILITY IDENTIFIER SYMBOL ON THE PERSON'S DRIVER'S LICENSE. THE DEPARTMENT SHALL ISSUE A PERSON A NEW DRIVER'S LICENSE WITHOUT A DISABILITY IDENTIFIER SYMBOL AT THE REQUEST OF THE PERSON. THE DEPARTMENT SHALL NOT CHARGE A FEE FOR THE ISSUANCE OF A NEW DRIVER'S LICENSE WITHOUT THE DISABILITY IDENTIFIER SYMBOL. THE DEPARTMENT SHALL NOT RETAIN ANY INFORMATION REGARDING A PERSON'S DISABILITY WHEN THE PERSON CHOOSES TO REMOVE THE DISABILITY IDENTIFIER SYMBOL FROM THE PERSON'S DRIVER'S LICENSE.

(f) BY JANUARY 15, 2023, AND EACH YEAR THEREAFTER, THE DEPARTMENT

SHALL REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE AND TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE PERCENTAGE OF PERSONS ISSUED A DRIVER'S LICENSE WHO HAVE REQUESTED A DISABILITY IDENTIFIER SYMBOL ISSUED IN ACCORDANCE WITH THIS SUBSECTION (12) IN THE PREVIOUS CALENDAR YEAR.

SECTION 3. In Colorado Revised Statutes, 42-2-303, **amend** (1)(b)(I); and **add** (6) as follows:

42-2-303. Contents of identification card - disability identifier symbol.
 (1) (b) (I) ~~In the event~~ If the department issues an identification card that contains stored information, ~~such card may include~~ THE DEPARTMENT SHALL INCLUDE IN THE STORED INFORMATION ~~only the information that is specifically referenced in paragraph (a) of this subsection (1), and~~ SUBSECTION (1)(a) OF THIS SECTION, that appears in printed form on the face of the card issued by the department to the registrant, ~~and~~ OR THAT IS ANY RACE OR ETHNICITY INFORMATION IDENTIFIED ON AN APPLICATION PURSUANT TO UNDER SECTION 42-2-302 (1)(a)(VI); ~~except that such stored information~~ THE DEPARTMENT SHALL NOT INCLUDE IN THE STORED INFORMATION:

(A) The registrant's social security number; OR

(B) THE FACT THAT THE REGISTRANT HAS REQUESTED THAT A DISABILITY IDENTIFIER SYMBOL BE PLACED ON THE REGISTRANT'S IDENTIFICATION CARD IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(6) (a) (I) AT AN APPLICANT'S REQUEST, AND UPON COMPLETION OF THE APPLICATION PURSUANT TO SUBSECTION (6)(a)(II)(A) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THE APPLICANT AN IDENTIFICATION CARD BEARING A DISABILITY IDENTIFIER SYMBOL IF THE APPLICANT HAS A DISABILITY AS DEFINED IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND THE DISABILITY INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER.

(II) (A) THE DEPARTMENT SHALL PROMULGATE A RULE CREATING AN APPLICATION AND RENEWAL FORM THAT IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, TO AFFIRM THAT AN APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR A DISABILITY IDENTIFIER SYMBOL AND SETTING OUT THE PENALTIES FOR AUTHORIZING A DISABILITY IDENTIFIER SYMBOL BEFORE VERIFYING THAT THE PERSON HAS A DISABILITY THAT INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER.

(B) AS USED IN THIS SECTION (6)(a)(II), "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER ARTICLE 240 OF TITLE 12 OR PRACTICING MEDICINE UNDER SECTION 12-240-107 (3)(i), A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-240-113, A MENTAL HEALTH PROFESSIONAL LICENSED OR CERTIFIED UNDER ARTICLE 245 OF TITLE 12, AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION 12-255-111, A PERSON WITH A MASTER'S DEGREE IN REHABILITATION COUNSELING, OR A PHYSICIAN, PHYSICIAN ASSISTANT, MENTAL HEALTH PROFESSIONAL, OR ADVANCED PRACTICE REGISTERED NURSE AUTHORIZED

TO PRACTICE PROFESSIONALLY BY ANOTHER STATE THAT SHARES A COMMON BORDER WITH COLORADO.

(b) THE DISABILITY IDENTIFIER SYMBOL PLACED ON AN IDENTIFICATION CARD IN ACCORDANCE WITH THIS SUBSECTION (6) MUST BE DISCREET AND MUST REPRESENT ALL TYPES OF DISABILITIES, INCLUDING COGNITIVE DISABILITIES, NEUROLOGICAL DIVERSITIES, MENTAL HEALTH DISORDERS, SENSORY NEEDS, CHRONIC ILLNESS, CHRONIC PAIN, AND PHYSICAL DISABILITIES. THE DEPARTMENT SHALL DEVELOP THE SYMBOL BY RULE.

(c) THE DEPARTMENT SHALL NOT CHARGE A FEE FOR PLACING A DISABILITY IDENTIFIER SYMBOL ON AN IDENTIFICATION CARD.

(d) THE DEPARTMENT SHALL NOTIFY PEACE OFFICERS IN COLORADO ABOUT THE VOLUNTARY DISABILITY IDENTIFIER SYMBOL CREATED IN THIS SUBSECTION (6), NOTING THAT THE SYMBOL IS NOT THE EXCLUSIVE OR ONLY DETERMINATION OF DISABILITY, AND DIRECTING PEACE OFFICERS TO RELEVANT P.O.S.T. CURRICULUM RESOURCES, INCLUDING TRAINING IN RECOGNIZING PERSONS WITH DISABILITIES, APPROPRIATE INTERACTIONS WITH PERSONS WITH DISABILITIES, RESOURCES AVAILABLE TO PERSONS WITH DISABILITIES AND TO THOSE INTERACTING WITH PERSONS WITH DISABILITIES, AND THE REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED.

(e) A PERSON MAY CHOOSE TO NO LONGER HAVE THE DISABILITY IDENTIFIER SYMBOL ON THE PERSON'S IDENTIFICATION CARD. THE DEPARTMENT SHALL ISSUE A PERSON A NEW IDENTIFICATION CARD WITHOUT A DISABILITY IDENTIFIER SYMBOL AT THE REQUEST OF THE PERSON. THE DEPARTMENT SHALL NOT CHARGE A FEE FOR THE ISSUANCE OF A NEW IDENTIFICATION CARD WITHOUT THE DISABILITY IDENTIFIER SYMBOL. THE DEPARTMENT SHALL NOT RETAIN ANY INFORMATION REGARDING A PERSON'S DISABILITY WHEN THE PERSON CHOOSES TO REMOVE THE DISABILITY IDENTIFIER SYMBOL FROM THE PERSON'S IDENTIFICATION CARD.

(f) BY JANUARY 15, 2023, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE AND TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE PERCENTAGE OF PERSONS ISSUED AN IDENTIFICATION CARD WHO HAVE REQUESTED A DISABILITY IDENTIFIER SYMBOL ISSUED IN ACCORDANCE WITH THIS SUBSECTION (6) IN THE PREVIOUS CALENDAR YEAR.

SECTION 4. In Colorado Revised Statutes, 42-3-113, **add** (9.5) as follows:

42-3-113. Records of application and registration - disability of a driver - definitions. (9.5) (a) UPON COMPLETION OF THE APPLICATION CREATED PURSUANT TO SUBSECTION (9.5)(b) OF THIS SECTION, WHEN REGISTERING OR RENEWING THE REGISTRATION OF A VEHICLE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL COLLECT INFORMATION THAT THE OWNER OF A VEHICLE VOLUNTARILY DISCLOSES ABOUT THE DISABILITY OF A PERSON WHO IS EITHER AUTHORIZED TO DRIVE, OR A REGULAR PASSENGER OF, THE REGISTERED VEHICLE FOR A PERSON WHO HAS A DISABILITY AS DEFINED IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF

1990", 42 U.S.C. SEC. 12101 ET SEQ., AND THE DISABILITY INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER. THE DEPARTMENT SHALL MAKE THIS INFORMATION IMMEDIATELY AVAILABLE TO A PEACE OFFICER WHO QUERIES INFORMATION ABOUT THE REGISTERED VEHICLE.

(b)(I) THE DEPARTMENT SHALL PROMULGATE A RULE CREATING AN APPLICATION AND RENEWAL FORM THAT IS SIGNED BY A PROFESSIONAL, UNDER PENALTY OF PERJURY, TO AFFIRM THAT THE DRIVER OR REGULAR PASSENGER OF A VEHICLE HAS A DISABILITY AND THE DISABILITY INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER AND SETTING OUT THE PENALTIES FOR AFFIRMING BEFORE VERIFYING THAT THE PERSON HAS A DISABILITY THAT INTERFERES WITH THE PERSON'S ABILITY TO EFFECTIVELY COMMUNICATE WITH A PEACE OFFICER.

(II) AS USED IN THIS SUBSECTION (9.5)(b), "PROFESSIONAL" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE UNDER ARTICLE 240 OF TITLE 12 OR PRACTICING MEDICINE UNDER SECTION 12-240-107 (3)(i), A PHYSICIAN ASSISTANT LICENSED UNDER SECTION 12-240-113, A MENTAL HEALTH PROFESSIONAL LICENSED OR CERTIFIED UNDER ARTICLE 245 OF TITLE 12, AN ADVANCED PRACTICE NURSE REGISTERED UNDER SECTION 12-255-111, A PERSON WITH A MASTER'S DEGREE IN REHABILITATION COUNSELING, OR A PHYSICIAN, PHYSICIAN ASSISTANT, MENTAL HEALTH PROFESSIONAL, OR ADVANCED PRACTICE REGISTERED NURSE AUTHORIZED TO PRACTICE PROFESSIONALLY BY ANOTHER STATE THAT SHARES A COMMON BORDER WITH COLORADO.

(c) THE DEPARTMENT SHALL NOT CHARGE A FEE FOR COLLECTING OR MAKING THIS INFORMATION AVAILABLE TO PEACE OFFICERS.

(d) AN OWNER OF A VEHICLE MAY CHOOSE TO NO LONGER HAVE THE INFORMATION REGARDING A DISABILITY AVAILABLE TO A PEACE OFFICER WHO QUERIES THE VEHICLE REGISTRATION. AT AN OWNER'S REQUEST, THE DEPARTMENT SHALL REMOVE THE DISABILITY INFORMATION ATTACHED TO THE OWNER'S VEHICLE REGISTRATION. THE DEPARTMENT SHALL NOT RETAIN ANY DISABILITY INFORMATION FOR AN OWNER WHO CHOOSES TO REMOVE DISABILITY INFORMATION FROM THE OWNER'S VEHICLE REGISTRATION.

(e) BY JANUARY 15, 2023, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE HOUSE OF REPRESENTATIVES HEALTH AND INSURANCE COMMITTEE AND TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE AND THE SENATE HEALTH AND HUMAN SERVICES COMMITTEE AND TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE PERCENTAGE OF PERSONS REGISTERING A VEHICLE WHO HAVE DISCLOSED DISABILITY INFORMATION IN ACCORDANCE WITH THIS SUBSECTION (9.5) IN THE PREVIOUS CALENDAR YEAR.

SECTION 5. Appropriation. (1) For the 2021-22 state fiscal year, \$89,298 is appropriated to the department of revenue. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$55,800 for use by the division of motor vehicles for DRIVES maintenance and support;

- (b) \$3,498 for driver's license documents; and
- (c) \$30,000 for the purchase of information technology services.

(2) For the 2021-22 state fiscal year, \$30,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of revenue under subsection (1)(c) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of revenue.

SECTION 6. Act subject to petition - effective date. This act takes effect July 1, 2022; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 30, 2021